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NOTICE OF ALLOWANCE AND FEE(S) DUE

78724

7590

12/24/2009

Hanify & King Professional Corporation
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON, DC 20007

EXAMINER

PORTER, RACHEL L.

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/24/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,372	10/31/2000	Courtney Hudson	5322-002	7828

TITLE OF INVENTION: SYSTEM AND METHOD FOR MATCHING PATIENTS WITH CLINICAL TRIALS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/24/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

78724 7590 12/24/2009

Hanify & King Professional Corporation
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON, DC 20007

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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09/699,372	10/31/2000	Courtney Hudson	5322-002	7828

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/24/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
PORTER, RACHEL L.	3626	705-003000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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78724	7590	12/24/2009		
Hanify & King Professional Corporation 1055 Thomas Jefferson Street, NW Suite 400 WASHINGTON, DC 20007				
EXAMINER PORTER, RACHEL L.				
ART UNIT		PAPER NUMBER		
3626				

DATE MAILED: 12/24/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 498 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 498 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/699,372

Applicant(s)

HUDSON, COURTNEY

Examiner

RACHEL L. PORTER

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/9/09.
2. ☒ The allowed claim(s) is/are 1,3-5,7-9,12-24,48-53 and 55-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/C. Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626

Allowable Subject Matter

1. Claims 1, 3-5, 7-9, 12-24, 48-53, and 55-60 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 24, the closest prior art of record, Knight, Schmidt, and McAlindon, disclose that the individual steps are well-known and are not novel in the art. However, the prior art does not fairly suggest the combination of steps in a method for or computer readable medium storing instructions for executing a method for selecting clinical trial participants via the Internet comprising:

receiving acceptance criteria for clinical trials and a series of questions targeted to at least one specific clinical trial at a server, wherein the acceptance criteria for clinical trials and the series of questions targeted to at least one specific clinical trial are provided over the Internet by a system of a clinical trial sponsor or investigator;

receiving patient profile information for a patient at the server, the patient profile information submitted over the Internet by a user at a user terminal;

comparing the patient profile information with the acceptance criteria for clinical trials stored in a database, the comparison performed by the server; and automatically, determining that the patient prequalifies for any of the clinical trials based on the comparison of the patient profile information with the acceptance criteria;

notifying the user that the patient has prequalified for at least one specific clinical trial when the patient prequalifies for any of the clinical trials;

presenting to the user the series of questions targeted to the at least one specific clinical trial after determining that the patient prequalifies for any of the clinical trials, wherein the series of questions are provided by the server to the user terminal over the Internet; determining that the patient prequalifies for the at least one specific clinical trial based on responses to the targeted questions;

storing the responses to the targeted questions;

providing the user with an application for the user to request that the patient be a participant in the specific clinical trial at a clinical trial site for the specific clinical trial when the patient prequalifies for the at least one specific clinical trial, wherein the application is provided by the server to the user terminal over the Internet; and

providing the contact information for the clinical trial site when the completed application is accepted.

Murphy et al (US 2001/0051882 A2) describes a clinical trial matching method which uses a database including a sequence of questions and defined answers based upon guidelines and criteria supplied by the trial sponsors. (par. 19-20) However, the provisional application for Murphy (60/143,549-filed 7/13/99) does not provide support for this feature in the non-provisional disclosure (filed 7/30/01). Furthermore, the Murphy provisional was filed more than 1 year prior to the date of the non-provisional.

Claims 3-5,7-9, and 12-18 inherit the allowable features of claim 1 through dependency and are therefore also allowable.

Claims 55-60 inherit the allowable features of claim 24 through dependency and are therefore also allowable.

Similarly, regarding claim 19, the closest prior art of record Knight and Schmidt in view of McAlindon, disclose that individual components which perform the recited functions and steps are known and are not novel in the art. However, the prior art does not fairly suggest the combination of an Internet based system comprising:

- a server connected to the Internet;

- a data storage device included in the server;

- a database located in the data storage device, the database storing patient profile information for a patient and acceptance criteria for a plurality of clinical trials

- a system of a clinical trial sponsor or investigator for providing the acceptance criteria for clinical trials and a series of questions targeted to at least one specific clinical trial to the server over the Internet; and

- a user terminal for providing the patient profile information for the patient to the server over the Internet;

- the server comparing the patient profile information with the acceptance criteria for the clinical trials stored in the database; automatically, determining that the patient prequalifies for any of the clinical trials based on the comparison of the patient profile information with the acceptance criteria; notifying the user that the patient has prequalified for at least one specific clinical trial when the patient prequalifies for any of the clinical trial; presenting to the user the series of questions targeted to the at least

one specific clinical trial after determining that the patient prequalifies for any of the clinical trials, wherein the series of questions are provided by the server to the user terminal over the Internet; determining that the patient prequalifies for the at least one specific clinical trial based on responses to the targeted questions, storing the responses to the targeted questions; providing the user with an application for the user to request that the patient be a participant in the specific clinical trial at a clinical trial site for the specific clinical trial when the user prequalifies for the at least one specific clinical trial, wherein the application is provided by the server to the user terminal over the Internet, and providing the contact information for the clinical trial site when the completed application is accepted.

Again, Murphy et al (US 2001/0051882 A2) describes a clinical trial matching system which uses a database including a sequence of questions and defined answers based upon guidelines and criteria supplied by the trial sponsors. (par. 19-20) However, the provisional application for Murphy (60/143,549-filed 7/13/99) does not provide support for this feature in the non-provisional disclosure (filed 7/30/01). Furthermore, the Murphy provisional was filed more than 1 year prior to the date of the non-provisional.

Claims 20-23, and 48-53 inherit the allowable features of claim 19 through dependency and are therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Ridker et al (US 20060104941 A1) discloses a method for clinical trial investigators to determine entry criteria for clinical trials.
- Murphy et al (US 2001/0051882 A2) describes a clinical trial matching system which uses a database including a sequence of questions and defined answers based upon guidelines and criteria supplied by the trial sponsors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, (Christopher) Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L. P./
Examiner, Art Unit 3626

/C. Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626